

REMARKS

The Examiner has objected to claims 5 and 6 as being in improper multiple dependent form. Claims 5 and 6 have been amended to no longer be in multiple dependent form. New claims 7-9 have been added. These new claims include subject matter previously included in claims 5 and 6.

Claims 1-4 are rejected under 35 USC 101 because the Examiner believes that the claims read on a product of nature. This rejection is respectfully traversed. The claims encompass subtypes of the humanized PM-1 antibody. A humanized PM-1 antibody is not a product of nature. As described on page 2, lines 14-18, a humanized PM-1 antibody can be obtained, for example, by transplanting the complementarity determining region (CDR) of a mouse antibody PM-1, to a human antibody. Humanized antibodies do not occur in nature. Accordingly, this rejection should be withdrawn.

Claims 1-4 are rejected under 35 USC 112, second paragraph, as being indefinite. Claims 1 and 2 are rejected as being indefinite for reciting the term “(447).” This term has been removed from these claims. Claim 3 is rejected for reciting the phrase, “corresponding to the subtype according to claim 1 or 2 has an amino acid sequence set forth in SEQ ID NO: 1.” According to the Examiner, “[i]t is not clear if the native humanized PM-1 antibody comprises the amino acid sequence SEQ ID NO:1, or the subtype (1) or subtype (2) comprises the amino acid sequence SEQ ID NO:1.” Claim 3 has been amended to clarify that “the heavy chain of the native humanized PM-1 antibody corresponding to the subtype according to claim 1 or 2 has a heavy chain that corresponds to amino acids 1-448 of an amino acid sequence set forth in SEQ ID NO: 1, and a heavy chain of the subtype antibody having the C-terminal Pro-NH₂ corresponds to amino acids 1-447 of SEQ ID NO:1.” Accordingly, it is now clear that both the native and the subtype heavy chains include portions of SEQ ID NO: 1.

In view of the above, each of the claims in this application is in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding

rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **350292003100**.

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Respectfully submitted,

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